

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Amendment of Section 73.622(i),  
Final DTV Table of Allotments,  
Television Broadcast Stations.  
(South Bend, Indiana)

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MB Docket No. 08-102  
RM-11439

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: May 18, 2009**

**Released: May 20, 2009**

By the Chief, Video Division, Media Bureau:

1. The Commission has before it a Notice of Proposed Rulemaking<sup>1</sup> issued in response to a petition for rulemaking filed by LeSEA Broadcasting of South Bend, Inc. ("LeSEA"), the licensee of WHME-DT, South Bend, Indiana, requesting the substitution of DTV channel 46 for its assigned channel 48. LeSea filed comments. No other comments were received.

2. We believe the public interest would be served by substituting DTV channel 46 for DTV channel 48. LeSEA is unable to fully maximize its station's coverage on channel 48 because of the interference protection requirements for stations WAQP-DT, DTV channel 48, at Saginaw, Michigan and WBME-DT, DTV channel 48, at Racine, Wisconsin. By changing to DTV channel 46, LeSEA can significantly increase its interference free service area and provide a digital signal to an additional 546,558 viewers.

3. DTV channel 46 can be substituted for DTV channel 48 at South Bend, Indiana as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules, at coordinates 41-35-43 N. and 86-09-38 W. Since the proposed facility is located within the Canadian coordination zone, concurrence from the Canadian government has been obtained for this allotment. In addition, we find that this channel meets the technical requirements set forth in Sections 73.616 and 73.623 of the Commission's rules for station WHME-DT with the following specifications:

City and State	DTV Channel	DTV Power (kw)	Antenna HAAT (m)	DTV Service Pop. (thous.)
South Bend, Indiana	46	933	305	1656

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective immediately upon the date of publication of the Report and Order in the Federal Register, the DTV Table of Allotments, Section 73.622(i) of the

<sup>1</sup> *South Bend, Indiana*, 23 FCC Rcd 10061 (Vid. Div. 2008).

Commission's rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
South Bend, Indiana	22, *35, 42, 46

5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, LeSEA Broadcasting of South Bend, Inc. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying DTV channel 46 in lieu of DTV channel 48 for station WHME-DT.

6. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Joyce Bernstein, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau